IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 2202 of 1999

Between:

Gouru Nagarjuna, S/o. G.Narasaiah,
R/o. Miryalguda, Nalgonda District.

..... PETITIONER

AND

1 State of A.P. rep.by the Secretary,
Irrigation Department, Secretariat Building,
Hyderabad.
2 Executive Engineer, Nagarjunasagar Project Canal, NSP Camp,
Miryalguda, Nalgonda Dist.
3 Loins Club of Miryalguda, rep.by President,

G.Bhikshapathy, 27-17, Miryalguda, Nalgonda Dist.
4 Regional Deputy Director, Survey and Land Records,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, direction or order, particularly a writ of Mandamus directing the respondents herein to refrain from interfering with the possession of the petitioner in Survey No.843 in an extent of Ac.1-08 guntas situated in Miryalguda and to consequently direct the respondents, especially the 4th respondent to demarcate physically the land in Survey No.843 in terms of the detailed report submitted by the 4th respondent to the Director of Survey, settlements & Land Records, Hyderabad in Ref.No.A3/1179/97 dt.15.1.1998 and to pass.

Counsel for the Petitioner : MR.Y.N.LOHITA

Counsel for Respondent Nos.1, 2 and 4 : ADVOCATE GENERAL

Counsel for Respondent No.3 : None appeared.

The Court made the following :

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O R D E R :

The petitioner claims to be the owner of the land admeasuring Ac.1-08 gts. comprised in Survey No.843 of Miryalaguda village, Nalgonda District. It appears, Government of Andhra Pradesh notified an extent of Acs.87-32 of land for acquisition for public purpose for the provision of housing colony known as NSP Colony. However, it appears, the award was passed by the Land Acquisition Officer only in respect of Ac.81-38 gts. of land. When there was interference by the respondents, the petitioners filed writ petitions being W.P.Nos.15442 and 15443 of 1997 inter alia seeking an order restraining the respondents from interfering with the peaceful possession of the land. This Court disposed of the writ petitions. Subsequently, the Government filed review petitions. By order dated 8-11-2002 this Court reviewed its earlier order and directed the respondents not to interfere with the peaceful possession of the land admeasuring Ac.1-08 gts. in Survey No.843.

When the writ petitions filed in 1997 were pending, the petitioner again filed the present writ petition alleging that the Lions Club of Miryalaguda, to whom the land was leased out, is trying to construct permanent structures over the land. In this writ petition the petitioner prayed for an order directing the respondents to refrain from interfering with the possession of the petitioner.

In the counter affidavit filed on behalf of respondents 1 and 2, the allegation made by the petitioner that the land in Survey No.843 admeasuring Ac.1-08 gts. is not acquired, is not specifically denied. A categorical averment is made that the land of the petitioner is not acquired for provision of NSP Colony. Therefore, having regard to the orders passed by this Court in Review W.P.M.P.No.9420 and 9423 of 1999, dated 8-11-2002, no further orders are necessary in this writ petition.

The writ petition is dismissed as infructuous. No costs.

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(V.V.S.RAO, J.)

13-09-2004.

Msr.

To

1 The Secretary to Government, Irrigation Department,
Govt. of A.P., Secretariat Building, Hyderabad.
2 Executive Engineer, Nagarjunasagar Project Canal, NSP Camp,
Miryalguda, Nalgonda Dist.
3 The President, Loins Club of Miryalguda,

27-17, Miryalguda, Nalgonda Dist.
4 Regional Deputy Director, Survey and Land Records,

Hyderabad.

5. 2CCs to Advocate General, High Court of A.P., Hyderabad.

6. 2CD copies

HON’BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.2202 of 1999

13-09-2004.

(Msr)